

RECEIVED

BEFORE THE

**Federal Communications Commission**

APR 7 1993

WASHINGTON, D. C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

)  
)  
)  
)  
)  
)

MM Docket No. 93-14

Amendment of Section 73.202(b)

Table of Allotments,

FM Broadcast Stations

(Bethany Beach, Delaware)

RM-8155

To: Chief, Allocations Branch  
Policy and Rules Division**COMMENTS IN SUPPORT OF RULE MAKING**

Roger A. Akin and Banking Services Corp, who, as Co-Receivers of KAT Broadcasting Corporation, jointly are the licensee of Station WWTR-FM, Bethany Beach, Delaware, hereby submit their comments in support of the Notice of Proposed Rule Making, released February 5, 1993, proposing substitution of Channel 240B1 for Channel 240A at Bethany Beach, Delaware, and modification of the WWTR-FM license to specify operation on the higher class channel.<sup>1</sup>

As set forth in the Co-Receivers' Petition for Rulemaking, Channel 240B1 can be allotted in compliance with the distance separation requirements and operation of WWTR-FM on that channel will greatly improve the station's coverage. Thus, the public interest would be served by adoption of the proposal.

<sup>1</sup> By Erratum released March 12, 1993, the Commission established May 3, 1993 as the deadline for filing comments; May 18, 1993 as the last date for filing reply comments.

No. of Copies rec'd 4  
List A B C D E

At the present time, the Co-Receivers are the licensee of WWTR-FM but they have executed a letter of intent to sell that station to a third party, Benchmark Radio Acquisition Fund V Limited Partnership ("Benchmark").<sup>2</sup> In the event the Co-Receivers remain the licensee of WWTR-FM at the time the channel substitution is approved and becomes effective, they will timely file the requisite modification application to upgrade the WWTR-FM facilities as requested, and promptly build the modified facility. Furthermore, the Co-Receivers have been advised by Benchmark that it also is interested in upgrading the WWTR-FM facilities as requested in the Co-Receivers' Petition for Rulemaking. Thus, both the Co-Receivers and the proposed purchaser support the proposed amendment to the Table of Allotments, intend to apply for a modification to operate on that channel if it is allotted, and plan to build the modified station promptly.

In light of the foregoing, it is requested that the Petition for Rulemaking filed by the Co-Receivers be GRANTED and the FM Table of Allotments AMENDED as proposed in the above-referenced Notice of Proposed Rule Making.

ROGER A. AKIN, ESQUIRE AND BANKING  
SERVICES CORP, CO-RECEIVERS OF KAT  
BROADCASTING CORPORATION

By   
MATTHEW H. McCORMICK  
CHERYL A. KENNY

Its Attorneys

Reddy, Begley & Martin  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037

April 6, 1993

---

<sup>2</sup> A definitive Asset Purchase Agreement has been negotiated and will be executed upon approval of the Delaware Court of Chancery which appointed the Co-Receivers.

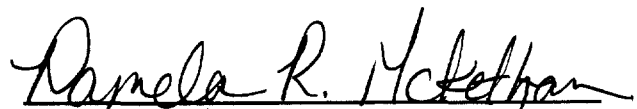
**CERTIFICATE OF SERVICE**

I, Pamela R. McKethan, hereby certify that on this 7th day of April, 1993,  
copies of the foregoing **COMMENTS IN SUPPORT OF RULEMAKING** were hand-  
delivered to the following:

Michael C. Ruger, Chief  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8318  
Washington, D.C. 20554

Nancy J. Walls  
Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8317  
Washington, D.C. 20554

Judith Hooyenga, Esquire  
Latham & Watkins  
1001 Pennsylvania Avenue, N.W.  
Suite 1300  
Washington, D.C. 20004  
Counsel for Benchmark Radio Acquisition Fund V Limited Partnership

  
Pamela R. McKethan